

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:21-cr-106-DPM

JOSEPH PHILLIPS, III

DEFENDANT

ORDER

Phillips moves to reduce his sentence based on amendments to the Sentencing Guidelines. When he was sentenced, he received two criminal history status points because he was on probation when he committed his new crime. He wouldn't receive any status points under the amended Guidelines. This change affects Phillips's advisory guideline range. He is now in criminal history category I. The United States opposes the motion.

Phillips waived his right to seek a sentence reduction under 18 U.S.C. § 3582(c)(2). At his plea hearing, and at the Court's request, the United States outlined all the key terms of the plea agreement, including the waiver of the right to seek a sentence reduction. Phillips responded that this was the deal he'd made. He is an educated person, and confirmed that he had read the whole agreement, reviewed it with his lawyer, and understood all of it. Plus, Phillips received significant benefits in entering into this agreement: the United States dismissed a

separate case pending against him as well as two other counts in this case.

His waiver was knowing and voluntary and the Court finds that enforcing the waiver doesn't result in a miscarriage of justice. The United States's motion to dismiss, *Doc. 28*, is therefore granted. Phillips's motion, *Doc. 27*, is denied.

So Ordered.

W.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

6 March 2024